VERSION WITH MARKINGS TO SHOW CHANGES MADE

Attachment 2

In the claims:

Changes to claims 1, 5, 9, 43, 51, 59 and 64 as follows:

-- I. (Amended) A pharmaceutical formulation comprising (I) an inner solid particulate phase, and (2) an outer solid continuous phase in which particles of the inner solid particulate phase are dispersed and embedded, the particles of the inner solid particulate phase comprising (a) a pharmaceutical having a high water solubility selected from metformin or a pharmaceutically acceptable salt thereof; and (b) an extended release material, and the outer solid continuous phase comprising an extended release material, wherein the total extended release material content in both the inner solid particulate phase and the outer solid continuous phase is within the range more than about 30 by weight of the pharmaceutical formulation.--

-- 5. (Amended) The pharmaceutical formulation as defined in Claim 1 [3] wherein the pharmaceutical is metformin hydrochloride.--

-- 9. (Amended) The pharmaceutical formulation as defined in Claim 1 [3] which when ingested by a human reduces maximum attained plasma-metformin concentration (Cmax) by at least about 15% (relative to marketed rapid-release metformin formulations), and increases time to reach maximum metformin-plasma concentration (Tmax) by at least about 30% (relative to marketed rapid-release metformin formulations), while having an insignificant effect on area under the plasma-metformin concentration time curve (AUC) and % urinary recovery (UR) of the dose of metformin (relative to marketed rapid-release metformin formulations).--

-- 43. (Amended) A [The] pharmaceutical formulation [as defined in Claim 40] comprising (I) an inner solid particulate phase, and (2) an outer solid continuous phase in which particles of the inner solid particulate phase are dispersed and embedded, the particles of the inner solid particulate phase comprising (a) metformin; and (b) an extended release material, and the outer solid continuous phase comprising an extended release material, wherein the extended release material present in the inner solid particulate phase is different from the extended release material present in the outer solid continuous phase and wherein the total extended release material content in both the inner solid particulate phase and the outer solid continuous phase is within the range from about 25 to about 75% by weight of the pharmaceutical formulation.--

-- 51. (Amended) The pharmaceutical formulation as defined in Claim 43 [40] wherein the metformin is metformin (2:1) fumarate.--

-- 59. (Amended) The pharmaceutical formulation as defined in Claim 43 [40] further including another antihyperglycemic agent and/or a hypolipidemic agent.--

-- 64. (Amended) The pharmaceutical formulation as defined in Claim 43 [40] which when ingested by a human reduces maximum attained plasma-metformin concentration (Cmax) by at least about 15% (relative to marketed rapid-release metformin formulations), and increases time to reach maximum metformin-plasma concentration (Tmax) by at least about 30% (relative to marketed rapid-release metformin formulations), while having an insignificant effect on area under the plasma-metformin concentration time curve (AUC) and % urinary recovery (UR) of the dose of metformin (relative to marketed rapid-release metformin formulations).--